

REMARKS

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-41 are pending in this application. Claims 1, 8, 14, 16, 22, and 31 are independent. The remaining claims depend, directly or indirectly, from claims 1, 8, 14, 16, 22, and 31.

Rejection(s) under 35 U.S.C § 103

Claims 22-30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Admitted Prior Art (APA) in view of U.S. Patent No. 5,613,068 (“Gregg”). This rejection is respectfully traversed.

With respect to claim 22, Examiner admits that APA does not disclose transferring messages in pieces. Further, APA fails to disclose or suggest comparing the size of a remaining message for a receiving process to a cyclic transaction size. The cyclic transaction size is the maximum amount of memory that can be used to send a message (or a piece of a message).

Moreover, Gregg does not disclose that which APA lacks. In particular Gregg relates to transferring data between processors on a network by establishing an address space for each processor in each of the other processors of the system. Specifically, Greg discloses that a message is sent from one system to another, and the system receiving the message returns a response or acknowledgement. Although Gregg does state that each

packet transmitted may be an entire message or only a piece of the message, Gregg does not compare the size of the message being transmitted (*i.e.*, the packet being sent) to any other value to determine whether the message should be broken into pieces or left as an entire message. Thus, Gregg does not disclose or suggest comparing the size of the message to be transmitted to any type of *cyclic transaction size*, as defined in the present invention.

In view of the above, APA and Gregg, whether considering separately or in combination, fail to show or suggest the present invention as recited in independent claim 22. Thus, the claim 22 is patentable over APA and Gregg. Dependent claims 23-30 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Further, in the Notice of Non-Responsive Amendment, the Examiner states that the argument with respect to claim 31 previously presented in the response to the Office Action dated May 20, 2004, is not fully responsive. Specifically, the Examiner states that no explanation is provided as to the difference between an acknowledgement segment and a receiver list. The acknowledgment segment of the present invention is used to acknowledge the receipt of a message from a process on a node by writing an ACK message into the corresponding ACK slot location in an ACK block on the node that sent the message (see, *e.g.*, Figure 5, and page 15 of the specification). Thus, the acknowledgement segment is used to indicate that a receiving process has received a message from a sending process.

In contrast, the receiver list disclosed in the present invention is a list that tracks

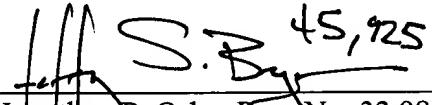
the plurality of receiving processes, maintained in the order that each receiving process was sent from a sending process. Further, the receiver list may be traversed to recover memory from receiving processes on the receiver list that reside on a node which is the same as the node on which a receiving process resides (see, e.g., page 9 of the specification). Thus, it is clear that the acknowledgement segment and the receiver list are two different elements of the present invention that cannot possibly be construed to be the same thing. Thus, claim 31 is patentable over the APA. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 13223.010001).

Respectfully submitted,

Date: 11/4/04


Jonathan R. Osha, Reg. No. 33,986
OSHA & MAY L.L.P.
One Houston Center, Suite 2800
1221 McKinney Street
Houston, TX 77010
Telephone: (713) 228-8600
Facsimile: (713) 228-8778